

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed March 21, 2007 ("Office Action"). Applicants respectfully request reconsideration of the rejections of 1-39 for at least the following reasons.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 5-8, 10, 13, 15, 19-22, 24, 27, 29 and 33-39 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,504,479 to Lemons in view of U.S. Patent No. 6,392,583 to Shere. Claims 2, 16 and 30 are being allegedly unpatentable over Lemons in view of Shere and in further view of U.S. Patent No. 6,658,463 to Dillon. Claims 3, 4, 17, 18, 31 and 32 are being allegedly unpatentable over Lemons in view of Shere and in further view of U.S. Patent No. 6,643,510 to Taylor. Claims 11 and 25 are being allegedly unpatentable over Lemons in view of Shere and in further view of U.S. Patent No. 6,614,884 to Jang. Claims 12, 14, 26 and 28 are being allegedly unpatentable over Lemons in view of Shere and in further view of U.S. Patent No. 6,577,234 to Dohrmann.

Regarding to claim 1, the Office Action admits that Lemons in view of Shere fails to disclose communicating means comprising at least a satellite return channel, *See* page 7, as recited in amended claim 1. For this major deficiency, the Office Action relies upon Dillon's satellite multicast proxy to teach the missing limitations. The Office Action summarily concludes that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Lemons and Shere according to the teachings of Dillon to use a satellite return channel to accomplish the two -way communication." *See* page 8. Applicant respectfully disagrees. The motivation relied upon by the Office Action fails to consider how the systems of Lemons and Shere could be reasonably modified based on the

alleged teaching. One having ordinary skill in the art would not look to combine the teachings of Lemons, Shere and Dillons and the Office Action's statement of motivation is not based on any teaching but rather is a clear example of improper hindsight. Lemons seems to referring to an integrated security system for monitoring a premises to detect an intrusion onto the premises and alerting a subscriber of the detection of an intrusion. While Shere seems to referring to a seismic sensor located deep in the earth to detect an earthquake and alerting a subscriber of the detection of an earthquake. Moreover, Dillon seems to referring to a distribution of World Wide Web content over a geosynchronous satellite communications network. Therefore, one having ordinary skill in the art would not look to modify a premise security system of Lemons with the earthquake detection system of Shere and the World Wide Web communication network of Dillon.

Moreover, Lemons teaches away from a communicating means comprising at least a return satellite channel, as recited in claim 1. More specifically, Lemons discloses "a common communications channel for exchange of information and the reporting of alarms ... The communications channel is capable of only of being used so long as required to send and receive appropriate data and instructions." See column 2, lines 56-63. Therefore, Lemons teaches the use of a common communication channel for send and receive appropriate data, rather than "at least a return satellite channel." Dillon discloses "a satellite communications networks having an outbound high speed, continuous channel carrying packetized data and either a satellite inbound channel or a terrestrial inbound channel." See column 1, lines 17-20. Therefore, one having ordinary skill in the art would not modify a common communication channel of Lemons with a satellite communications networks of Dillon having two disparate inbound and outbound channels. Furthermore, the Office Action fails to provide a proper statement of motivation as to

why one of ordinary skill in the art would modify Lemons that admittedly shows only a common communication channel to accomplish two-way communication.

In the present case, the Office Action's sole justification for combining Lemons, Shere and Dillon has absolutely nothing to do with the teachings of each reference. As admitted by the Office Action, Lemons and Shere fails to show the missing limitations as recited in amended claims 1, 15, 29, 36, 38 and 39. The Office Action's statement of motivation fails to consider how Lemons, Shere and Dillon could be combined by the teachings of the applied references. To properly combine Lemons, Shere and Dillon, the Office has the burden to show some motivation why providing those elements would have overcome some perceived problem with Lemons and Shere. Any such motivation is completely lacking. This is a clear example of improper hindsight.

The mere fact that Lemons can be modified does not render the resultant modification obvious unless there is a suggestion or motivation found somewhere in the prior art regarding the desirability of the combination or modification. *See* M.P.E.P § 2143.01; *see also In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Fritz*, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). In addition, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

In *In re Hedges*, 783, F.2d 1038, 1041, 228 U.S.P.Q. 685, 687, (Fed. Cir. 1986), the U.S. Court of Appeals for the Federal Circuit stated that "the prior art as a whole must be considered. The teachings are to be viewed as they would have been viewed by one of ordinary skill." The court also stated that "[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the

exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art” (quoting *In re Wesslau*, 353 F.2d 238, 241, 147 U.S.P.Q. 391, 393 (CCPA, 1965)).

Therefore, the proposed combinations fail to show, teach or make obvious the invention as claimed by Applicants. The Office Action has failed to provide proper motivation for combining Lemons, Shere and Dillon. Even if the Lemons, Shere and Dillon references could be combined as suggested by the Office Action, the resulting combination would fail to disclose the combination of claimed limitations. Therefore, the Office Action has failed to meet its burden. The rejection of the claims 1-39 under 35 U.S.C. § 103(a) should be withdrawn and the claims allowed accordingly.

CONCLUSION


In view of the foregoing amendments and arguments, it is respectfully submitted that this application is in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

The Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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